

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

RHONDA G. MILLS,

Plaintiff,

v.

U.S. BANK NATIONAL ASSOCIATION AS
TRUSTEE FOR THE LEHMAN XS TRUST,
MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2007-4N, *et al.*,

Defendants.

CASE NO.: 1:12-cv-10937-JLT

**DEFENDANT MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.'S
MOTION TO DISMISS AND REQUEST FOR ORAL ARGUMENT**

Pursuant to Federal Rules of Civil Procedure 9(b) and 12(b)(6), Defendant Mortgage Electronic Registration System, Inc. (“**MERS**”) respectfully requests this Court to dismiss Rhonda G. Mills’s (“**Mills**”) Amended Complaint against MERS in its entirety. In support of this motion, MERS relies on, and incorporates by reference herein, the Motion to Dismiss and Memorandum in Support filed by Defendants OneWest Bank, FSB and U.S. Bank National Association, as Trustee for the Lehman XS Trust, Mortgage Pass-Through Certificates, Series 2007-4N [Doc.Nos. 14, 15].

[intentionally left blank]

WHEREFORE, Defendant Mortgage Electronic Registration Systems, Inc. respectfully requests that this Court dismiss this action against MERS in its entirety and afford MERS such other relief as this Court deems just and equitable.

Dated: August 21, 2011

MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC. ,

By their attorneys:

/s/ David G. Thomas
David G. Thomas (BBO # 640854)
Russell P. Plato (BBO # 671087)
Greenberg Traurig, LLP
One International Place
Boston, Massachusetts 02110
Tel: (617) 310-6000
Fax: (617) 310-6001

REQUEST FOR ORAL ARGUMENT

Defendant Mortgage Electronic Registration Systems, Inc. believes that oral argument may assist the Court and hereby requests an oral argument on this motion.

LOC.R. 7.1(a)(2) CERTIFICATE

I hereby certify that I conferred with Rockwell Ludden, counsel for Rhonda G. Mills, on July 27, 2012, and in good faith attempted to resolve or narrow the issues in this motion.

/s/ David G. Thomas
David G. Thomas